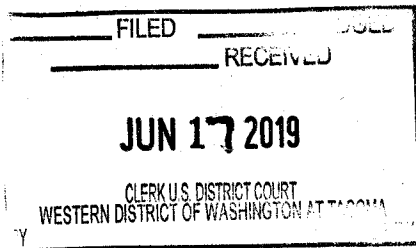


Magistrate Judge Theresa L. Fricke



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN THE MATTER OF THE SEARCH OF:

NO. MJ17-5209

The electronically stored data, information and communications contained in two (2) accounts controlled by Google, Inc., described in Attachment A

GOVERNMENT'S
MOTION TO UNSEAL CASE AND
PUBLISH REDACTED SEARCH
WARRANT RELATED MATERIALS
AND [PROPOSED] ORDER

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Justin W. Arnold, Assistant United States Attorney, requests entry of an order unsealing the above captioned matter.

The law provides that search warrant related materials may remain under seal during the pendency of an investigation. See *United States v. Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an indictment or the closure of an investigation based on compelling reasons. *Id.* at 1195. Those reasons can include the need to (1) protect the identity and safety of witnesses, (2) protect the integrity of other investigations, (3) avoid risk of flight, tampering with witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the target of the investigation.

1 At this time, the investigation is completed, and the government does not currently
2 plan to bring charges in the case. The government requests that the Court enter an order
3 unsealing the above-captioned matter. However, given that the search warrant related
4 materials contain sensitive information, including information related to the release of a
5 purported confidential informant list and information that could identify potential targets
6 of the investigation who have not been charged with a crime and other individuals who
7 were questioned about their involvement in the underlying facts of the investigation, the
8 government requests that the original search warrant, application, affidavit, and return for
9 the warrant remain under seal until further order of the Court. The government has
10 provided redacted versions of the search warrant, application, affidavit, and return for the
11 warrant, and requests that these redacted versions be filed publicly in place of the original
12 search warrant materials.

13 DATE: July 13, 2019.

14 Respectfully submitted,

15 BRIANT T. MORAN
16 United States Attorney

17
18 /s/ Justin W. Arnold
19 JUSTIN W. ARNOLD
20 Assistant United States Attorney
21 United States Attorney's Office
22 700 Stewart Street, Suite 5220
23 Seattle, WA 98101-1271
24 Telephone: (206) 553-5558
25 Fax: (206) 553-4440
26 E-mail: Justin.Arnold@usdoj.gov
27
28

[PROPOSED] ORDER

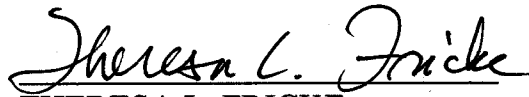
Based upon the government's Motion, and the representations made therein, the Government's Motion is GRANTED.

IT IS HEREBY ORDERED that the case be UNSEALED.

IT IS FURTHER ORDERED that due to the sensitive nature of the investigation, and information identifying the target contained in the original search warrant, application, affidavit in support of the warrant, and motion and order sealing search warrant and related materials, and accompanying return, these materials will remain SEALED until further order of the Court.

IT IS FURTHER ORDERED that redacted versions of the search warrant, application, affidavit in support of the warrant, motion and order sealing search warrant and related materials, and accompanying return will be PUBLISHED in place of the original search warrant materials.

DATED this 17th day of June, 2017.


THERESA L. FRICKE
United States Magistrate Judge